

ALJ/TRP/avs

Decision 01-07-022 July 12, 2001

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of the Application of  
Altrio Communications, Inc. for a Certificate of  
Public Convenience and Necessity to Operate as  
Provider of Facilities-Based and Resale Local  
Exchange and Interexchange  
Telecommunications Service Within the State of  
California.

Application 00-10-044  
(Filed October 20, 2000)

**O P I N I O N**

By this decision, we grant the application of Altrio Communications, Inc. (Altrio or Applicant) for a certificate of public convenience and necessity (CPCN) as a competitive local carrier (CLC) to offer resold local exchange services within the territories of Pacific Bell Telephone Company (Pacific), Verizon California, Inc. (Verizon),<sup>1</sup> Roseville Telephone Company (RTC), and Citizens Telephone Company (CTC), and statewide interexchange service, subject to the terms, conditions, and restrictions prescribed below. In this order, we also grant Altrio limited facilities-based authority, restricted to the terms, and, conditions as prescribed below. We defer action on Altrio's request for full facilities-based authority to a later decision.

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<sup>1</sup> Verizon was formerly known as GTE California Incorporated or GTEC.

## **I. Background**

We initially established rules for entry of facilities-based CLCs in Decision (D.) 95-07-054. Under those procedures, we processed a group of candidates that filed petitions within the Local Competition dockets (Rulemaking (R.) 95-04-043/ Investigation (I.) 95-04-044) for CPCNs by September 1, 1995. We granted authority effective January 1, 1996, for qualifying CLCs to provide facilities-based competitive local exchange service in the territories of Pacific and Verizon. We authorized CLCs seeking to provide resale-based services to begin operations on March 1, 1996. We further advised prospective entrants that any filings from non-qualifying CLCs, and any filing for CLC operating authority made after September 1, 1995, would be treated as standard applications and processed in the normal course of the Commission's business.

By D.96-12-020, effective January 1, 1997, we instituted quarterly processing cycles for granting facilities-based CPCN authority. Since we had been processing the environmental impact review required under the California Environmental Quality Act (CEQA) on a consolidated basis for groups of qualifying facilities-based CLCs, we determined in D.96-12-020 to process other aspects of the CLC filings on a consolidated basis, as well. Accordingly, we directed that any CLC filing on or after January 1, 1997, for facilities-based CPCN authority was to make its filing in the form of a petition to be docketed in I.95-04-044 to be processed on a quarterly consolidated basis. CLCs seeking only resale authority continued to file individual applications.

On September 24, 1997, D.97-09-115 extended the coverage of our adopted rules for local exchange competition to include the service territories of California's two mid-sized local exchange carriers, RTC and CTC.

Pursuant to D.99-12-050, for parties filing after January 1, 2000, we discontinued processing of CLC petitions for CPCN authority within the Local

Competition dockets on a quarterly batched basis. Any party seeking authority for any form of CPCN authority as a CLC filing on or after January 1, 2000, was directed to make its filing in the form of a separate application. Accordingly, Altrio filed its CPCN application on October 20, 2000.

In this decision, we approve limited CPCN authority as set forth below for Altrio in accordance with the applicable rules for certification as established in R.95-04-043. Altrio will be authorized to begin offering service upon the approval of the Telecommunications Division (TD) staff of filed tariffs and in compliance with the terms and conditions set forth in this order.

## **II. CEQA Issues**

In accordance with CEQA provisions, the Commission must assess the potential environmental impact of a CLC's proposed operation in order to determine that adverse effects are avoided, alternatives are investigated, and where applicable, environmental quality is restored or enhanced as necessary. To achieve this objective, Rule 17.1 of the Rules of Practice and Procedure requires the proponent of any project subject to Commission approval to submit with its application for approval of such project a Proponent's Environmental Assessment (PEA). The PEA is used by the Commission to focus on any impacts of the project which may be of concern, and to prepare the Commission's Initial Study to determine whether the project needs a Negative Declaration or an Environmental Impact Report (EIR).

Through the second quarter of 1999, the Commission staff's practice was to prepare a negative declaration covering all CLC petitioners filing for facilities-based CPCN authority during the previous quarter.

In D.99-12-050, the Commission concluded that more individualized treatment of the environmental review of each CPCN request was warranted.

Thus, effective with D.99-12-050, and until further notice, each CLC request for CPCN authority is individually reviewed and, if it is determined that a negative declaration or EIR is necessary, it will be prepared on an individual basis.

In D.99-10-025, we noted that various CLC petitioners did not anticipate undertaking any new construction at least for their initial start-up operations. Instead, they intended to collocate their network equipment within the existing structure of the central offices of the Incumbent Local Exchange Carriers, and to provide service by purchasing an ILEC's existing local loop as an unbundled network element (UNE) under federal law. Because UNEs are considered "facilities" under federal law, a facilities-based CPCN is still necessary for a CLC to operate utilizing collocation UNEs. The CLCs argued that the deficiencies identified in the negative declaration should not prevent the Commission from granting such limited facilities-based authority at this time where no construction is involved.

We concluded in D.99-10-025 that under the limited definition of facilities-based service utilizing equipment installed in previously existing structures, no material adverse environmental impacts would result since no external construction would be involved. Accordingly, for purposes of D.99-10-025, we granted limited "facilities-based" authority in this restricted manner to each of the Petitioners covered in that order.

On May 10, 2001, Altrio filed an Amendment to its application requesting that the Commission consider its request in two steps. As the first step, Altrio requests that the Commission immediately grant it limited facilities-based and resale authority to operate as a CLC within the greater Los Angeles metropolitan area, and as a Non-Dominant Interexchange Carrier (NDIEC) statewide, in order to permit Altrio to begin providing service to California residents as quickly as

possible. In addition, Altrio requests that this limited facilities-based authority include authority necessary to engage in limited installation of facilities in the areas within the greater metropolitan Los Angeles area, these include: (Component 1) authority to pull fiber-optic and coaxial cable through existing utility conduit, attach fiber-optic and coaxial cable to existing utility poles, and install distribution nodes and optical-electrical interfaces; (Component 2) authority to install backup electric generators within existing utility easements; and (Component 3) limited authority to install approximately 1.2 miles of new utility conduit within existing rights-of-way, as identified on the maps contained in Altrio's Confidential Exhibit 1, filed concurrently with its amendment necessary to cross individual roads, freeways, railroad tracks, and similar obstacles, solely in cases where local authorities have issued to Altrio all necessary street opening or other permits to permit the minor land use alterations these facilities require. Altrio claims that all of these activities fall within one or more of the CEQA exemptions and, as such, . Altrio has not yet filed a PEA, because it contends that no PEA is required before the Commission may grant such limited facilities-based authority. As the second step, Altrio requests that the Commission grant it full facilities-based authority to operate as a CLC within the entire local exchange operating territories of the state's four non-rural local exchange carriers and as a NDIEC statewide.

Recently, Altrio submitted a letter requesting that the Commission grant it limited facilities based authority as expeditiously as possible, and stating that Altrio would file a PEA in support of full facilities based authority in the near future.

For purposes of this decision, we shall authorize only limited facilities-based CPCN authority to Altrio, but shall defer consideration of its request for the construction of facilities identified above as "Components 1

through 3” to a later decision. Those Components include requests to construct facilities, e.g., installation of new utility conduit and attaching cables to poles that must be described in a PEA so that the Commission can comply with its obligations under CEQA, before granting Altrio’s request. We shall leave this docket open for further consideration of Altrio’s Application for full facilities-based authority pending our review of Altrio’s PEA to provide necessary support for this request.

As long as construction authority is limited to installing equipment within existing buildings or structures, it can be seen with certainty that there is no possibility that granting this application will have an adverse effect upon the environment. Therefore, we will grant Altrio such limited facilities-based authority as defined in D.99-10-025 at this time.

Under the limited facilities-based authority granted herein, Altrio shall be prohibited from engaging in any construction of buildings, towers, conduits, poles, or trenches or the construction of facilities identified in Components 1 through 3.

### **III. Review of the Proposed Application**

Altrio’s application has been reviewed for compliance with the certification-and-entry rules (Certification Rules) adopted in Appendices A and B of D.95-07-054 and subsequent decisions in R.95-04-043/I.95-04-044. The Certification Rules are intended to protect the public against unqualified or unscrupulous carriers, while also encouraging and easing the entry of CLC providers to promote the rapid growth of competition.

Altrio seeks authority to provide facilities-based and resold local exchange voice and data telecommunications services in the service territories of Pacific,

Verizon, RTC and CTC as well as facilities-based and resold non-dominant interexchange telecommunications services throughout the State of California.

In this order, we will grant Altrio's request for limited facilities-based authority to provide local exchange services utilizing resale of other carriers' services and/or utilizing UNEs and/or equipment installed solely within existing buildings or structures.

Altrio demonstrated that it possesses the requisite managerial qualifications, technical competence, and financial resources to provide facilities-based local exchange service as set forth in its Exhibits D and E. Altrio was also required to submit proposed tariffs which conform to the consumer protection rules set forth in Appendix B of D.95-07-054. Upon review of the draft tariff, we have identified certain deficiencies as listed in Appendix B of this order. All outstanding tariff deficiencies identified as Appendix B must be corrected before Altrio may otherwise begin to offer service.

As prescribed in Certification Rule 4.B(1), prospective facilities-based CLCs must also show that they possess a minimum of \$100,000 in cash or cash-equivalent resources. In order to demonstrate that they possess the requisite financial resources, Altrio submitted financial statements confirming that the Applicant meets the requisite \$100,000 cash requirement.

Based upon our review, we conclude Altrio has satisfactorily complied with our certification requirements for limited facilities-based authority, subject to correcting any tariff deficiencies to be identified in Appendix B, and satisfying the additional conditions set forth in the ordering paragraphs below.

Accordingly, we grant Altrio authority to offer local exchange service utilizing resale of other carriers' services or UNEs and equipment located solely within

existing structures within the territories of Pacific, Verizon, CTC, and RTC territories.<sup>2</sup>

**IV. Section 311 (g)(2) – Uncontested/decision grants relief requested**

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Pub. Util. Code § 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

**Findings of Fact**

1. Altrio filed its application seeking a CPCN to provide competitive local exchange services in the territories of the large and mid-sized California incumbent local exchange carriers.
2. There are no protests to the application.
3. In D.99-10-025, the Commission found that further inquiry was required to resolve the CEQA issues raised by the filed comments of public agencies before full facilities-based authority could be considered for then-pending CLC petitions.
4. Prior Commission decisions authorized competition in providing local exchange telecommunications service within the service territories of Pacific, Verizon, RTC, and CTC for carriers meeting specified criteria.

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<sup>2</sup> Pursuant to D.97-09-115, CLC resale authority within the RTC and CTC territories was authorized to become effective on or after April 1, 1998. Until the time that tariffed wholesale discount rates are adopted for RTC and CTC, individual CLCs certificated to resell local service within the CTC/RTC territories may enter into negotiations with each of the MSLECs on an interim wholesale discount rate. Disputes over the terms of resale arrangements may be submitted to the Commission for arbitration pursuant to the provisions of Section 252(b)(1) of the Telecommunications Act of 1996 and Commission Resolution ALJ-178.



5. Altrio has demonstrated that it has a minimum of \$100,000 in cash or cash equivalent reasonably liquid and readily available to meet its start-up expenses.

6. Applicant's technical experience is demonstrated by supporting documentation which provides summary biographies of key management personnel.

7. By D.97-06-107, applicants for CLC authority are exempt from Rule 18(b).

8. Exemption from the provisions of Pub. Util. Code §§ 816-830 has been granted to other nondominant carriers. (*See, e.g.*, D.86-10-007 and D.88-12-076.)

9. The transfer or encumbrance of property of nondominant carriers has been exempted from the requirements of Pub. Util. Code § 851 whenever such transfer or encumbrance serves to secure debt. (*See* D.85-11-044.)

10. Altrio's requests for limited facilities-based authority includes a request to engage in limited construction of facilities in the areas within the greater metropolitan Los Angeles area, that include: attaching fiber-optic and coaxial cable to existing utility poles and installing distribution nodes and optical-electrical interfaces; installing backup electric generators within existing utility easements; and installing new utility conduit within existing rights-of-way.

11. A PEA must be filed before the Commission can consider the expanded facilities-based authority requested by Altrio as described in the preceding finding of fact.

12. Applicant's provision of limited facilities-based local exchange telecommunications service limited only to the utilization of existing unbundled loops or electronic equipment and to the installation of equipment within existing buildings or structures would not have a significant effect on the environment.

## **Conclusions of Law**

1. Altrio has the financial ability to provide the proposed services, and has made a reasonable showing of technical expertise in telecommunications.

2. Public convenience and necessity require the competitive local exchange services to be offered by Altrio subject to the terms, conditions, and restrictions set forth below.

3. Altrio must submit a complete draft of its initial tariffs that complies with the requirements established by the Commission and that corrects any deficiencies identified in Appendix B and includes a prohibition on unreasonable deposit requirements.

4. Altrio is subject to:

- a. The current 1.45% surcharge applicable to all intrastate services except for those excluded by D.94-09-065, as modified by D.95-02-050, to fund the Universal Lifeline Telephone Service (Pub. Util. Code § 879; Resolution T-16435, December 21, 2000);
- b. The current 0.00% surcharge applicable to all intrastate services except for those excluded by D.94-09-065, as modified by D.95-02-050, to fund the California Relay Service and Communications Devices Fund (Pub. Util. Code § 2881; D.98-12-073 and Resolution T-16487, December 21, 2000);
- c. The user fee provided in Pub. Util. Code §§ 431-435, which is 0.11% of gross intrastate revenue for the 2000-2001 fiscal year (Resolution M-4800);
- d. The current surcharge applicable to all intrastate services except for those excluded by D.94-09-065, as modified by D.95-02-050, to fund the California High Cost Fund-A (Pub. Util. Code § 739.3; D.96-10-066, pp. 3-4, App. B, Rule 1.C; set by Resolution T-16521 at 0.200% June 14, 2001);
- e. The current 2.6% surcharge applicable to all intrastate services except for those excluded by D.94-09-065, as

modified by D.95-02-050, to fund the California High Cost Fund-B (D.96-10-066, p. 191, App. B, Rule 6.F.; Resolution T-16430, September 21, 2000); and

- f. The current 0.185% surcharge applicable to all intrastate services except for those excluded by D.94-09-065, as modified by D.95-02-050, to fund the California Teleconnect Fund (D.96-10-066, p. 88, App. B, Rule 8.G; Resolution T-16437, September 21, 2000).
5. Applicant should be exempted from Rule 18(b).
6. Applicant should be exempted from Pub. Util. Code §§ 816-830.
7. Applicant should be exempted from Pub. Util. Code § 851 when the transfer or encumbrance serves to secure debt.
8. Applicant should be granted a CPCN for local exchange resale service and limited facilities-based service utilizing UNEs and equipment installed within existing buildings or structures subject to the terms, conditions, and restrictions set forth in the order below.
9. As long as construction authority is limited to installing equipment within existing buildings or structures, it can be seen with certainty that there is no possibility that granting this CPCN will have an adverse effect upon the environment.

## **O R D E R**

### **IT IS ORDERED** that:

1. A certificate of public convenience and necessity (CPCN) shall be granted to Altrio Communications, Inc. (Altrio or Applicant) to provide competitive local exchange telecommunications services utilizing resale of other carriers' services or unbundled network elements and equipment installed solely within existing buildings or structures within the service territories of Pacific Bell Telephone Company, Verizon California, Inc., Citizens Telephone Company, and Roseville

Telephone Company, and statewide interexchange service contingent on compliance with the terms identified in this order.

2. Applicant shall file a written acceptance of the certificate granted in this proceeding prior to commencing service.

3. Applicant shall correct the outstanding tariff deficiencies identified in Appendix B prior to being authorized to begin service.

4. a. Applicant is authorized to file with this Commission tariff schedules (incorporating Appendix B corrections) for the provision of competitive local exchange, services, as described in Ordering Paragraph 1. The Applicant may not offer these services until tariffs are on file, and until any applicable deficiencies have been corrected. Applicant's initial filing shall be made in accordance with General Order (GO) 96-A, excluding Sections IV, V, and VI, and shall be effective not less than one day after approval by the Telecommunications Division.

b. Applicant is a competitive local carrier (CLC). The effectiveness of each of its future tariffs is subject to the schedules set forth in Decision (D.) 95-07,054, Appendix A, § 4E:

A. "E. CLCs shall be subject to the following tariff and contract-filing, revision and service-pricing standards:

- "(1) Uniform rate reductions for existing tariff services shall become effective on five (5) working days' notice to the Commission. Customer notification is not required for rate decreases.
- "(2) Uniform major rate increases for existing tariff services shall become effective on thirty (30) days' notice to the Commission, and shall require bill inserts, or a message on the bill itself, or first class mail notice to customers at least 30 days in advance of the pending rate increase.

- “(3) Uniform minor rate increase, as defined in D.95-07-054, shall become effective on not less than five (5) working days’ notice to the Commission. Customer notification is not required for such minor rate increase.
- “(4) Advice letter filing for new services and for all other types of tariff revisions, except changes in text not affecting rates or relocations of text in the tariff schedules, shall become effective on forty (40) days’ notice to the Commission.
- “(5) Advice letter filings revising the text or location of text material which do not result in an increase in any rate or charge shall become effective on not less than five (5) days’ notice to the Commission.
- “(6) Contracts shall be subject to GO 96-A rules for NDIECs, except interconnection contracts.
- “(7) CLCs shall file tariffs in accordance with PU Code Section 876.”

5. Applicant may deviate from the following provisions of GO 96-A:

(a) paragraph II.C.(1)(b), which requires consecutive sheet numbering and prohibits the reuse of sheet numbers, and (b) paragraph II.C.(4), which requires that “a separate sheet or series of sheets should be used for each rule.” Tariff filings incorporating these deviations shall be subject to the approval of the Commission’s Telecommunications Division. Tariff filings shall reflect all fees and surcharges to which Applicant is subject, as described in Conclusion of Law 4. Applicant is also exempt from GO 96-A Section III.G.(1) and (2), which require service of advice letters on competing and adjacent utilities, unless such utilities have specifically requested such service.

6. Applicant shall file as part of its initial tariffs, after the effective date of this order and consistent with Ordering Paragraph 3, a service area map.

7. Prior to initiating service, Applicant shall provide the Commission's Consumer Services Division with Applicant's designated contact persons for purposes of resolving consumer complaints and the corresponding telephone numbers. This information shall be updated if the names or telephone numbers change or at least annually.

8. Applicant shall notify this Commission in writing of the date local exchange service is first rendered to the public within five days after service begins. The same procedure shall be followed for the authorized intraLATA and interLATA services, where applicable. Applicant shall also notify the Commission in writing if it intends to offer voice-grade dial-tone service.

9. Applicant shall keep its books and records in accordance with generally accepted accounting principles.

10. Applicant shall each file an annual report, in compliance with GO 104-A, on a calendar-year basis using the information-request form developed by the Commission Staff and contained in Appendix A.

11. Applicant shall ensure that its employees comply with the provisions of Pub. Util. Code § 2889.5 regarding solicitation of customers.

12. The certificate granted and the authority to render service under the rates, charges, and rules authorized will expire if not exercised within 12 months after the effective date of this order.

13. The corporate identification number assigned to Applicant is U-6556-C which, shall be included in the caption of all original filings with this Commission, and in the titles of other pleadings filed in existing cases.

14. Within 60 days of the effective date of this order, Applicant shall comply with Pub. Util. Code § 708, Employee Identification Cards, reflecting its authority, and notify the Director of the Telecommunications Division in writing of its compliance.

15. Applicant is exempted from the provisions of Pub. Util. Code §§ 816-830.

16. Applicant is exempted from Pub. Util. Code § 851 for the transfer or encumbrance of property, whenever such transfer or encumbrance serves to secure debt.

17. If Applicant is 90 days or more late in filing an annual report or in remitting the fees listed in Conclusion of Law 4, the Telecommunications Division shall prepare for Commission consideration a resolution that revokes that petitioner's CPCN, unless it has received written permission from the Telecommunications Division to file or remit late.

18. It can be seen with certainty that no material adverse environmental impacts will result from the limited CPCN authority granted in this order.

19. Applicant shall comply with all applicable rules adopted in the Local Exchange Competition proceeding (R.95-04-043, I.95-04-044), the Commission's rules and regulations for NDIECs set forth in D.93-05-010 and D.90-08-032, as well as all other applicable Commission rules, decisions, General Orders, and statutes that pertain to California public utilities, subject to the exemptions granted in this decision.

20. The application of Altrio is granted only to the extent as set forth above.

21. Application 00-10-044 shall remain open for further consideration of Altrio's request for additional facilities-based authority.

This order is effective today.

Dated July 12, 2001, at San Francisco, California.

LORETTA M. LYNCH  
President  
HENRY M. DUQUE  
RICHARD A. BILAS  
CARL W. WOOD  
GEOFFREY F. BROWN  
Commissioners



TO: ALL COMPETITIVE LOCAL CARRIERS AND INTEREXCHANGE  
TELEPHONE UTILITIES

Article 5 of the Public Utilities Code grants authority to the California Public Utilities Commission to require all public utilities doing business in California to file reports as specified by the Commission on the utilities' California operations.

A specific annual report form has not yet been prescribed for the California interexchange telephone utilities. However, you are hereby directed to submit an original and two copies of the information requested in Attachment A no later than March 31<sup>st</sup> of the year following the calendar year for which the annual report is submitted.

Address your report to:

California Public Utilities Commission  
Auditing and Compliance Branch, Room 3251  
505 Van Ness Avenue  
San Francisco, CA 94102-3298

Failure to file this information on time may result in a penalty as provided for in §§ 2107 and 2108 of the Public Utilities Code.

If you have any question concerning this matter, please call (415) 703-1961.

## **APPENDIX A**

### **Information Requested of California Competitive Local Carriers and Interexchange Telephone Utilities.**

To be filed with the California Public Utilities Commission, 505 Van Ness Avenue, Room 3251, San Francisco, CA 94102-3298, no later than March 31st of the year following the calendar year for which the annual report is submitted.

1. Exact legal name and U # of reporting utility.
2. Address.
3. Name, title, address, and telephone number of the person to be contacted concerning the reported information.
4. Name and title of the officer having custody of the general books of account and the address of the office where such books are kept.
5. Type of organization (e.g., corporation, partnership, sole proprietorship, etc.).  
If incorporated, specify:
  - a. Date of filing articles of incorporation with the Secretary of State.
  - b. State in which incorporated.
6. Commission decision number granting operating authority and the date of that decision.
7. Date operations were begun.
8. Description of other business activities in which the utility is engaged.
9. A list of all affiliated companies and their relationship to the utility.  
State if affiliate is a:
  - a. Regulated public utility.
  - b. Publicly held corporation.
10. Balance sheet as of December 31st of the year for which information is submitted.
11. Income statement for California operations for the calendar year for which information is submitted.

**(END OF APPENDIX A)**

## **APPENDIX B**

### **Page 1**

List of deficiencies in tariffs filed by Altrio Communications, Inc. in A. 00-10-044 to be corrected in Tariff Compliance filing.

1. Modify the top right-hand corner of every tariff sheet to concur with G.O. 96-A. Refer to G.O. 96-A page 4 and Exhibit A-1.
2. Every tariff sheet should be ruled showing a rectangular space approximately 7 inches wide and 8  $\frac{3}{4}$  inches long so as to leave a margin of approximately 1  $\frac{1}{8}$  inches at the top and bottom of the sheet and a binding margin of at least 1  $\frac{1}{8}$  inches at the left of the sheet. Refer to G.O. 96-A page 4 and Exhibit A-1.
3. All competitive local rates and services are to be included under the Schedule Cal. P.U.C No. 1-T. Local exchange and inter-exchange rates and services cannot be in the same schedule. The CLC needs to provide in the tariff separate schedules for these services and rates. Use Schedule 2-T for inter-exchange rates and services.
4. On Schedule 1-T title sheet, remove words that reference to inter-exchange services.
5. Sheet 12, Rule 2.1.1.1: State in the tariff that CLC intends to provide both residential and business services.
6. Sheet 13, Rule 2.1.1.3(B): Incomplete rule on Application for Service. Include Rule 2 of Appendix B of D. 95-07-054 into the CLC tariff.
7. Sheet 16, Rule 2.1.1.5: Incomplete rule on Notices. Include Rule 6 of Appendix B of D.95-07-054 into the CLC tariff.
8. Sheet 27, Rule 2.1.5.1: State in the tariff that CLC cannot require advance payments for usage.
9. Sheet 28, Rule 2.1.5.2(A): Modify the last sentence as follows: "Deposits shall be no greater than twice the estimated average monthly bill for the class of service applied for. In the event a customer requests services in addition to basic service, the average bill will reflect the aggregate services requested by the customer." Refer to Rule 5 of Appendix B of D.95-07-054.
10. Sheet 29, Rule 2.1.6.2: State in the tariff that the late payment date will be displayed prominently on the customer's bill, and that CLC shall credit payments within 24 hours of receipt to avoid assessing late payment charges incorrectly. Refer to Rule 9 of Appendix B of D.95-07-054.

**APPENDIX B**

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11. Sheet 30, Rule 2.1.6.2(G): Any objections to billed charges can be reported within 3 years after receipt of bill, not 90 days. Refer to PU Code section 736.
12. Sheet 30, Rule 2.1.6.2(H): Include Rule 3B from Appendix B of D.95-07-054 into the CLC tariff.
13. Sheet 31-32, Rule 2.1.6: Remove the words “without incurring any liability” from rule 2.1.6.3(A) and (G) from the tariff. CLC must concur with Pacific or GTEC’s Limitation of Liability tariffs as appended to D. 95-12-057.
14. Sheet 31, Rule 2.1.6.3: Incomplete rule on Discontinuation of service. Include Rule 10 of Appendix B of D.95-07-054 into the CLC tariff.
15. Sheet 34, Rule 2.1.6.8: Incomplete rule on Establishment and Re-establishment of Credit. Include Rule 4 of Appendix B of D.95-07-054 into the CLC tariff.
16. Sheet 35, Rule 2.1.7.1: Replace the Credit for Interruptions Rule from the CLC tariff with Pacific or GTEC’s Limitation of Liability tariffs regarding credit for service interruptions. Refer to D.95-12-057.
17. Sheet 44, 2.1.14: Include the following corrected surcharges:  
Effective 01/01/01  
ULTS     0.800%  
CTF       0.185%
18. Sheet 51, Rule 2.1.18: Include the rates and charges for ULTS:

Establishment	\$9.50
Flat Rate	5.34
Measured Rate	2.85
19. Include Rule 8 and 15 of Appendix B of D. 95-07-054 into the CLC tariff.
20. Include rule on how telephone directories will be provisioned to residential and business customers.
21. CPUC Decision No. 91188 in Case No. 4930 requires that each CLC include the provisions of the rule set forth in Appendix B of that decision as a part of the rules in the CLC’s tariff.

**APPENDIX B**

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22. CPUC Decision No. 92860 and No. 93361, in Case No. 10206 requires that each CLC include the provisions of the rule set forth in Appendix A of that decision as a part of the rules in the CLC's tariff.
23. Include actual sample forms in the CLC tariff.
24. Remove the Los Angeles Consumers Affairs Branch address on page 30.
25. CLC must state concurrence with Pacific, GTEC, Roseville or Citizen's boundaries, or file its own service area map.
26. Tariff must be available for inspection at an office in California.
27. Basic Service will not be disconnected for non-payment of anything other than residential and single line business, Flat Rate and/or Measured Rate Service as defined in D.96-10-066, Appendix B, page 5. Refer to D.00-03-020.

**(END OF APPENDIX B)**